

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 968
AND
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 969
AN ACT

2 To repeal sections 105.454, 160.522, 163.031,
3 168.104, 168.110, 168.124, 168.126, 168.303,
4 168.500, 168.515, 169.712, 209.321, and
5 302.272, RSMo, and to enact in lieu thereof
6 nineteen new sections relating to school
7 personnel, with an emergency clause for
8 certain sections.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
10 AS FOLLOWS:

11 Section A. Sections 105.454, 160.522, 163.031, 168.104,
12 168.110, 168.124, 168.126, 168.303, 168.500, 168.515, 169.712,
13 209.321, and 302.272, RSMo, are repealed and nineteen new
14 sections enacted in lieu thereof, to be known as sections

1 105.454, 160.522, 162.032, 163.031, 167.166, 168.104, 168.110,
2 168.124, 168.126, 168.303, 168.310, 168.500, 168.515, 169.712,
3 171.053, 209.321, 302.272, 1, and 2, to read as follows:

4 105.454. No elected or appointed official or employee of
5 the state or any political subdivision thereof, serving in an
6 executive or administrative capacity, shall:

7 (1) Perform any service for any agency of the state, or for
8 any political subdivision thereof in which he or she is an
9 officer or employee or over which he or she has supervisory power
10 for receipt or payment of any compensation, other than of the
11 compensation provided for the performance of his or her official
12 duties, in excess of five hundred dollars per transaction or one
13 thousand five hundred dollars per annum, or in the case of a
14 school board five thousand dollars per annum, except on
15 transactions made pursuant to an award on a contract let or sale
16 made after public notice and competitive bidding, provided that
17 the bid or offer is the lowest received.

18 (2) Sell, rent or lease any property to any agency of the
19 state, or to any political subdivision thereof in which he or she
20 is an officer or employee or over which he or she has supervisory
21 power and received consideration therefor in excess of five
22 hundred dollars per transaction or one thousand five hundred
23 dollars per year, or in the case of a school board five thousand
24 dollars per annum, unless the transaction is made pursuant to an

1 award on a contract let or sale made after public notice and in
2 the case of property other than real property, competitive
3 bidding, provided that the bid or offer accepted is the lowest
4 received;

5 (3) Participate in any matter, directly or indirectly, in
6 which he or she attempts to influence any decision of any agency
7 of the state, or political subdivision thereof in which he or she
8 is an officer or employee or over which he or she has supervisory
9 power, when he or she knows the result of such decision may be
10 the acceptance of the performance of a service or the sale,
11 rental, or lease of any property to that agency for consideration
12 in excess of five hundred dollars' value per transaction or one
13 thousand five hundred dollars' value per annum to him or her, to
14 his or her spouse, to a dependent child in his or her custody or
15 to any business with which he or she is associated unless the
16 transaction is made pursuant to an award on a contract let or
17 sale made after public notice and in the case of property other
18 than real property, competitive bidding, provided that the bid or
19 offer accepted is the lowest received;

20 (4) Perform any services during the time of his or her
21 office or employment for any consideration from any person, firm
22 or corporation, other than the compensation provided for the
23 performance of his or her official duties, by which service he or
24 she attempts to influence a decision of any agency of the state,

1 or of any political subdivision in which he or she is an officer
2 or employee or over which he or she has supervisory power;

3 (5) Perform any service for consideration, during one year
4 after termination of his or her office or employment, by which
5 performance he or she attempts to influence a decision of any
6 agency of the state, or a decision of any political subdivision
7 in which he or she was an officer or employee or over which he or
8 she had supervisory power, except that this provision shall not
9 be construed to prohibit any person from performing such service
10 and receiving compensation therefor, in any adversary proceeding
11 or in the preparation or filing of any public document or to
12 prohibit an employee of the executive department from being
13 employed by any other department, division or agency of the
14 executive branch of state government. For purposes of this
15 subdivision, within ninety days after assuming office, the
16 governor shall by executive order designate those members of his
17 or her staff who have supervisory authority over each department,
18 division or agency of state government for purposes of
19 application of this subdivision. The executive order shall be
20 amended within ninety days of any change in the supervisory
21 assignments of the governor's staff. The governor shall
22 designate not less than three staff members pursuant to this
23 subdivision;

24 (6) Perform any service for any consideration for any

1 person, firm or corporation after termination of his or her
2 office or employment in relation to any case, decision,
3 proceeding or application with respect to which he or she was
4 directly concerned or in which he or she personally participated
5 during the period of his or her service or employment.

6 160.522. 1. School districts shall provide, at least
7 annually, a school accountability report card for each school
8 building to any household with a student enrolled in the
9 district. Methods of distribution of the school accountability
10 report card may include, but are not restricted to:

11 (1) Distribution at the time and place of student
12 enrollment;

13 (2) Inclusion with student grade reports;

14 (3) Newspaper publication;

15 (4) Posting by the school district by Internet or other
16 electronic means generally accessible to the public; or

17 (5) Making copies available upon request at all school or
18 administrative buildings in any school district.

19 The school district reports shall be distributed to all media
20 outlets serving the district, and shall be made available, upon
21 request, to all district patrons and to each member of the
22 general assembly representing a legislative district which
23 contains a portion of the school district.

1 2. The department of elementary and secondary education
2 shall develop a standard form for the school accountability
3 report card which may be used by school districts. The
4 information reported shall include, but not be limited to,
5 enrollment, rates of pupil attendance, high school dropout rate,
6 the rates and durations of, and reasons for, suspensions of ten
7 days or longer and expulsions of pupils, staffing ratios,
8 including the district ratio of students to all teachers, to
9 administrators, and to classroom teachers, the average years of
10 experience of professional staff and advanced degrees earned,
11 student achievement as determined through the assessment system
12 developed pursuant to section 160.518, student scores on the SAT
13 or ACT, as appropriate, along with the percentage of students
14 taking each test, average teachers' and administrators' salaries
15 compared to the state averages, details concerning all
16 superintendent and administrative compensation packages as
17 required by section 168.310, RSMo, average salaries of
18 noncertificated personnel compared to state averages, average per
19 pupil expenditures for the district as a whole and by attendance
20 center as reported to the department of elementary and secondary
21 education, voted and adjusted tax rates levied, assessed
22 valuation, percent of the district operating budget received from
23 state, federal, and local sources, the number of students
24 eligible for free or reduced lunch, school calendar information,

1 including days of student attendance, parent-teacher conferences,
2 and staff development or in-service training, data on course
3 offerings and rates of participation in parent-teacher
4 conferences, special education programs, early childhood special
5 education programs, parents as teachers programs, vocational
6 education programs, gifted or enrichment programs, and advanced
7 placement programs, data on the number of students continuing
8 their education in postsecondary programs and information about
9 job placement for students who complete district vocational
10 education programs, and the district's most recent accreditation
11 by the state board of education, including measures for school
12 improvement.

13 3. The public reporting shall permit the disclosure of data
14 on a school-by-school basis, but the reporting shall not be
15 personally identifiable to any student or education professional
16 in the state.

17 4. The annual report made by the state board of education
18 pursuant to section 161.092, RSMo, shall include a summary of
19 school districts accredited, provisionally accredited, and
20 unaccredited under the Missouri school improvement program,
21 including an analysis of standards met and not met, and an
22 analysis of state program assessment data collected pursuant to
23 section 160.526, describing the kinds of tasks students can
24 perform.

1 162.032. If a school district is annexed to an existing
2 district or divided into two or more districts by a vote of the
3 citizens, or is dissolved under the lapse procedures in section
4 162.081, court action, or any other authority of Missouri or
5 federal laws, the successor school district shall become
6 responsible for ensuring access to continuation of health
7 insurance coverage for retired teachers and employees of the
8 district if the original district offers health insurance
9 coverage to its retirees at the time of its loss of corporate
10 structure. If an original district is divided into multiple
11 successor districts, such responsibility shall be assigned to the
12 successor district with the largest eligible pupil count in the
13 most recently completed school year.

14 163.031. 1. School districts which meet the requirements
15 of section 163.021 shall be entitled to an amount computed as
16 follows: an amount determined by multiplying the number of
17 eligible pupils by the lesser of the district's equalized
18 operating levy for school purposes as defined in section 163.011
19 or two dollars and seventy-five cents per one hundred dollars
20 assessed valuation multiplied by the guaranteed tax base per
21 eligible pupil times the proration factor plus an amount
22 determined by multiplying the number of eligible pupils by the
23 greater of zero or the district's equalized operating levy for
24 school purposes as defined in section 163.011 minus two dollars

1 and seventy-five cents per one hundred dollars assessed valuation
2 multiplied by the guaranteed tax base per eligible pupil times
3 the proration factor. For the purposes of this section, the
4 proration factor shall be equal to the sum of the total
5 appropriation for distribution under subsections 1 and 2 of this
6 section; and the state total of the deductions as calculated in
7 subsection 2 of this section which do not exceed the district
8 entitlements as adjusted by the same proration factor; divided by
9 the amount of the state total of district entitlements before
10 proration as calculated pursuant to this subsection; provided
11 that, if the proration factor so calculated is greater than one,
12 the proration factor for line 1(b) shall be the greater of one or
13 the proration factor for line 1(a) minus five hundredths, and
14 provided that if the proration factor so calculated is less than
15 one, the proration factor for line 1(a) shall be the lesser of
16 one or the proration factor for line 1(b) plus five hundredths.

17 2. From the district entitlement for each district there
18 shall be deducted the following amounts: an amount determined by
19 multiplying the district equalized assessed valuation by the
20 district's equalized operating levy for school purposes times the
21 district income factor plus ninety percent of any payment
22 received the current year of protested taxes due in prior years
23 no earlier than the 1997 tax year minus the amount of any
24 protested taxes due in the current year and for which notice of

1 protest was received during the current year; one hundred percent
2 of the amount received the previous year for school purposes from
3 intangible taxes, fines, forfeitures and escheats, payments in
4 lieu of taxes and receipts from state assessed railroad and
5 utility tax, except that any penalty paid after July 1, 1995, by
6 a concentrated animal feeding operation as defined by the
7 department of natural resources rule shall not be included; one
8 hundred percent of the amounts received the previous year for
9 school purposes from federal properties pursuant to sections
10 12.070 and 12.080, RSMo; federal impact aid received the previous
11 year for school purposes pursuant to P.L. 81-874 less fifty
12 thousand dollars multiplied by ninety percent or the maximum
13 percentage allowed by federal regulation if that percentage is
14 less than ninety; fifty percent, or the percentage otherwise
15 provided in section 163.087 of Proposition C revenues received
16 the previous year for school purposes from the school district
17 trust fund pursuant to section 163.087; one hundred percent of
18 the amount received the previous year for school purposes from
19 the fair share fund pursuant to section 149.015, RSMo; and one
20 hundred percent of the amount received the previous year for
21 school purposes from the free textbook fund, pursuant to section
22 148.360, RSMo.

23 3. School districts which meet the requirements of section
24 163.021 shall receive categorical add-on revenue as provided in

1 this subsection. There shall be individual proration factors for
2 each categorical entitlement provided for in this subsection, and
3 each proration factor shall be determined by annual
4 appropriations, but no categorical proration factor shall exceed
5 the entitlement proration factor established pursuant to
6 subsection 1 of this section, except that the career ladder
7 entitlement proration factor established pursuant to line 15 of
8 subsection 6 of this section, the vocational education
9 entitlement proration factor established pursuant to line 16 of
10 subsection 6 of this section, and the educational and screening
11 program entitlements proration factor established pursuant to
12 line 17 of subsection 6 of this section may exceed the
13 entitlement proration factor established pursuant to subsection 1
14 of this section. The categorical add-on for the district shall
15 be the sum of: seventy-five percent of the costs of adopting and
16 providing a violence prevention program pursuant to section
17 161.650, RSMo, multiplied by the proration factor; seventy-five
18 percent of the district allowable transportation costs pursuant
19 to section 163.161 multiplied by the proration factor; the
20 special education approved or allowed cost entitlement for the
21 district, provided for by section 162.975, RSMo, multiplied by
22 the proration factor; seventy-five percent of the district gifted
23 education approved or allowable cost entitlement as determined
24 pursuant to section 162.975, RSMo, multiplied by the proration

1 factor; the free and reduced lunch eligible pupil count for the
2 district, as defined in section 163.011, multiplied by twenty
3 percent, for a district with an operating levy in excess of two
4 dollars and seventy-five cents per one hundred dollars assessed
5 valuation, or twenty-two percent, otherwise times the guaranteed
6 tax base per eligible pupil times two dollars and seventy-five
7 cents per one hundred dollars assessed valuation times the
8 proration factor plus the free and reduced lunch eligible pupil
9 count for the district, as defined in section 163.011, times
10 thirty percent times the guaranteed tax base per eligible pupil
11 times the following quantity: ((the greater of zero or the
12 district's operating levy for school purposes minus two dollars
13 and seventy-five cents per one hundred dollars assessed
14 valuation) times one or, beginning in the fifth year following
15 the effective date of this section, the quotient of the
16 district's fiscal instructional ratio of efficiency for the prior
17 year divided by the fiscal year 1998 statewide average fiscal
18 instructional ratio of efficiency, if the district's prior year
19 fiscal instructional ratio of efficiency is at least five percent
20 below the fiscal year 1998 statewide average) times the proration
21 factor, minus court-ordered state desegregation aid received by
22 the district for operating purposes; the career ladder
23 entitlement for the district, as provided for in sections 168.500
24 to 168.515, RSMo, [multiplied by the proration factor]; the

1 vocational education entitlement for the district, as provided
2 for in section 167.332, RSMo, multiplied by the proration factor
3 and the district educational and screening program entitlements
4 as provided for in sections 178.691 to 178.699, RSMo, times the
5 proration factor.

6 4. Each district's apportionment shall be the prorated
7 categorical add-ons plus the greater of the district's prorated
8 entitlement minus the total deductions for the district or zero.

9 5. (1) In the 1993-94 school year and all subsequent
10 school years, pursuant to section 10(c) of article X of the state
11 constitution, a school district shall adjust upward its operating
12 levy for school purposes to the extent necessary for the district
13 to at least maintain the current operating expenditures per pupil
14 received by the district from all sources in the 1992-93 school
15 year, except that its operating levy for school purposes shall
16 not exceed the highest tax rate in effect subsequent to the 1980
17 tax year, or the minimum rate required by subsection 2 of section
18 163.021, whichever is less.

19 (2) The revenue per eligible pupil received by a district
20 from the following sources: line 1 minus line 10, or zero if
21 line 1 minus line 10 is less than zero, plus line 14 of
22 subsection 6 of this section, shall not be less than the revenue
23 per eligible pupil received by a district in the 1992-93 school
24 year from the foundation formula entitlement payment amount plus

1 the amount of line 14 per eligible pupil that exceeds the line 14
2 per pupil amount from the 1997-98 school year, or the revenue per
3 eligible pupil received by a district in the 1992-93 school year
4 from the foundation formula entitlement payment amount plus the
5 amount of line 14(a) per eligible pupil times the quotient of
6 line 1 minus line 10, divided by the number of eligible pupils,
7 or zero if line 1 minus line 10 is less than zero, divided by the
8 revenue per eligible pupil received by the district in the
9 1992-93 school year from the foundation formula entitlement
10 payment amount, whichever is greater. The department of
11 elementary and secondary education shall make an addition in the
12 payment amount of line 19 of subsection 6 of this section to
13 assure compliance with the provisions contained in this section.

14 (3) For any school district which meets the eligibility
15 criteria for state aid as established in section 163.021, but
16 which under subsections 1 to 4 of this section, receives no state
17 aid for two successive school years, other than categorical
18 add-ons, by August first following the second such school year,
19 the commissioner of education shall present a plan to the
20 superintendent of the school district for the waiver of rules and
21 the duration of said waivers, in order to promote flexibility in
22 the operations of the district and to enhance and encourage
23 efficiency in the delivery of instructional services. The
24 provisions of other law to the contrary notwithstanding, the plan

1 presented to the superintendent shall provide a summary waiver,
2 with no conditions, for the pupil testing requirements pursuant
3 to section 160.257, RSMo. Further, the provisions of other law
4 to the contrary notwithstanding, the plan shall detail a means
5 for the waiver of requirements otherwise imposed on the school
6 district related to the authority of the state board of education
7 to classify school districts pursuant to section 161.092, RSMo,
8 and such other rules as determined by the commissioner of
9 education, except that such waivers shall not include the
10 provisions established pursuant to sections 160.514 and 160.518,
11 RSMo.

12 (4) In the 1993-94 school year and each school year
13 thereafter for two years, those districts which are entitled to
14 receive state aid under subsections 1 to 4 of this section, shall
15 receive state aid in an amount per eligible pupil as provided in
16 this subsection. For the 1993-94 school year, the amount per
17 eligible pupil shall be twenty-five percent of the amount of
18 state aid per eligible pupil calculated for the district for the
19 1993-94 school year pursuant to subsections 1 to 4 of this
20 section plus seventy-five percent of the total amount of state
21 aid received by the district from all sources for the 1992-93
22 school year for which the district is entitled and which are
23 distributed in the 1993-94 school year pursuant to subsections 1
24 to 4 of this section. For the 1994-95 school year, the amount

1 per eligible pupil shall be fifty percent of the amount of state
2 aid per eligible pupil calculated for the district for the
3 1994-95 school year pursuant to subsections 1 to 4 of this
4 section plus fifty percent of the total amount of state aid
5 received by the district from all sources for the 1992-93 school
6 year for which the district is entitled and which are distributed
7 in the 1994-95 school year pursuant to subsections 1 to 4 of this
8 section. For the 1995-96 school year, the amount of state aid
9 per eligible pupil shall be seventy-five percent of the amount of
10 state aid per eligible pupil calculated for the district for the
11 1995-96 school year pursuant to subsections 1 to 4 of this
12 section plus twenty-five percent of the total amount of state aid
13 received by the district from all sources for the 1992-93 school
14 year for which the district is entitled and which are distributed
15 in the 1995-96 school year pursuant to subsections 1 to 4 of this
16 section. Nothing in this subdivision shall be construed to limit
17 the authority of a school district to raise its district
18 operating levy pursuant to subdivision (1) of this subsection.

19 (5) If the total of state aid apportionments to all
20 districts pursuant to subdivision (3) of this subsection is less
21 than the total of state aid apportionments calculated pursuant to
22 subsections 1 to 4 of this section, then the difference shall be
23 deposited in the outstanding schools trust fund. If the total of
24 state aid apportionments to all districts pursuant to subdivision

(1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) \$.....

1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) \$.....

Deductions

2. District equalized assessed valuation x
district income factor x district's equalized
operating levy for school purposes
plus ninety percent of any payment
received the current year of protested
taxes due in prior years no earlier than
the 1997 tax year minus the amount of
any protested taxes due in the current
year and for which notice of protest was
received during the current
year \$.....
3. Intangible taxes, fines, forfeitures,
escheats, payments in lieu of
taxes, etc. (100% of the amount
received the previous year for school
purposes) \$.....
4. Receipts from state assessed railroad
and utility tax (100% of the amount
received the previous year for school
purposes) \$.....
5. Receipts from federal properties pursuant
to sections 12.070 and 12.080, RSMo (100%
of the amount received the previous year
for school purposes) \$.....

6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo \$.....
10. Total deductions (sum of lines 2-9) \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration \$.....
12. Special education approved or allowed cost entitlement for the district

pursuant to section 162.975, RSMo,
x proration \$.....

13. Seventy-five percent of the gifted
education approved or allowable cost
entitlement as determined pursuant to
section 162.975, RSMo, x proration \$.....

14(a). Free and reduced lunch eligible pupil
count for the district, as defined in
section 163.011, x .20, if operating
levy in excess of \$2.75, or .22,
otherwise x GTB per EP x \$2.75 per
\$100 AV x proration \$.....

14(b). Free and reduced lunch eligible pupil
count for the district, as defined in
section 163.011 x .30 x GTB x ((the
greater of zero or the district's
adjusted operating levy minus \$2.75
per \$100 AV) x (1.0 or, beginning in
the fifth year following the effective
date of this section, the district's
FIRE for the prior year/statewide
average FIRE for FY 1998, if the
district's prior year FIRE is at
least five percent below the FY 1998

1 statewide average FIRE) x proration)
 2 - court-ordered state desegregation
 3 aid received by the district for
 4 operating purposes \$.
 5 15. Career ladder entitlement for the district
 6 as provided for in sections 168.500 to 168.515,
 7 RSMo, [x proration] \$.
 8 16. Vocational education entitlements for
 9 the district as provided in section 167.332,
 10 RSMo, x proration \$.
 11 17. Educational and screening program
 12 entitlements for the district as
 13 provided in sections 178.691
 14 to 178.699, RSMo, x proration \$.
 15 18. Sum of categorical add-ons for the district
 16 (sum of lines 11-17) \$.
 17 19. District apportionment (line 18 plus the
 18 greater of line 1 minus line 10 or zero) \$.
 19 7. Revenue received for school purposes by each school
 20 district pursuant to this section shall be placed in each of the
 21 incidental and teachers' funds based on the ratio of the property
 22 tax rate in the district for that fund to the total tax rate in
 23 the district for the two funds.
 24 8. In addition to the penalty for line 14 described in

1 subsection 6 of this section, beginning in school year 2004-05,
2 any increase in a school district's funds received pursuant to
3 line 14 of subsection 6 of this section over the 1997-98 school
4 year shall be reduced by one percent for each full percentage
5 point the percentage of the district's pupils scoring at or above
6 five percent below the statewide average level on either
7 mathematics or reading is less than sixty-five percent.

8 9. If a school district's annual audit discloses that
9 students were inappropriately identified as eligible for free or
10 reduced-price lunch and the district does not resolve the audit
11 finding, the department of elementary and secondary education
12 shall require that the amount of line 14 aid paid on the
13 inappropriately identified pupils be repaid by the district in
14 the next school year and shall additionally impose a penalty of
15 one hundred percent of the line 14 aid paid on such pupils, which
16 penalty shall also be paid within the next school year. Such
17 amounts may be repaid by the district through the withholding of
18 the amount of state aid.

19 167.166. 1. Except as provided in subsections 2 and 3 of
20 this section, no employee of any public school or charter school
21 within this state shall perform a strip search, as that term is
22 defined in section 544.193, RSMo, of any student of any such
23 school. However, strip searches may be conducted by, or under
24 the authority of, a commissioned law enforcement officer.

1 2. A student may be strip searched by a school employee
2 only if a commissioned law enforcement officer is not immediately
3 available and if the school employee reasonably believes that a
4 student possesses a weapon, explosive, or substance probable to
5 cause physical harm to himself or herself or another person.

6 3. For the purposes of this section, the term "strip
7 search" shall not include the removal of clothing in order to
8 investigate the potential abuse or neglect of a student; give
9 medical attention to a student; provide health services to a
10 student; or screen a student for medical conditions.

11 4. If a student is strip searched by an employee of a
12 school or a commissioned law enforcement officer, the district
13 will attempt to notify the student's parent or guardian as soon
14 as possible.

15 5. Any employee of a public school or charter school who
16 violates the provisions of subsections 1 to 4 of this section
17 shall be disciplined immediately in accordance with applicable
18 law.

19 6. For the purposes of subsections 1 to 5 of this section,
20 the term "employee" shall include all temporary, part-time, and
21 full-time employees of a public school or charter school.

22 7. No employee of or volunteer in or school board member of
23 or school district administrator of a public school or charter
24 school shall direct a student to remove a religious emblem,

1 insignia, or garment, as long as such emblem, insignia, or
2 garment is worn in a manner that does not promote disruptive
3 behavior.

4 168.104. The following words and phrases when used in
5 sections 168.102 to 168.130, except in those instances where the
6 context indicates otherwise, mean:

7 (1) "Board of education", the school board or board of
8 directors of a school district, except a metropolitan school
9 district, having general control of the affairs of the district;

10 (2) "Demotion", any reduction in salary or transfer to a
11 position carrying a lower salary, except on request of a teacher,
12 other than any change in salary applicable to all teachers or all
13 teachers in a classification;

14 (3) "Indefinite contract", every contract heretofore or
15 hereafter entered into between a school district and a permanent
16 teacher;

17 (4) "Permanent teacher", any teacher who has been employed
18 or who is hereafter employed as a teacher in the same school
19 district for five successive years and who has continued or who
20 thereafter continues to be employed as a teacher by the school
21 district or any supervisor of teachers who was employed as a
22 teacher in the same school district for at least five successive
23 years prior to becoming a supervisor of teachers and who
24 continues thereafter to be employed as a certificated employee by

1 the school district; except that, when a permanent teacher
2 resigns or is permanently separated from employment by a school
3 district, and is afterwards reemployed by the same school
4 district, reemployment for the first school year does not
5 constitute an indefinite contract but if he is employed for the
6 succeeding year, the employment constitutes an indefinite
7 contract; and except that any teacher employed under a part-time
8 contract by a school district shall accrue credit toward
9 permanent status on a prorated basis. Any permanent teacher who
10 is promoted with his consent to a supervisory position including
11 principal or assistant principal, or is first employed by a
12 district in a supervisory position including principal or
13 assistant principal, shall not have permanent status in such
14 position but shall retain tenure in the position previously held
15 within the district, or, after serving two years as principal or
16 assistant principal, shall have tenure as a permanent teacher of
17 that system;

18 (5) "Probationary teacher", any teacher as herein defined
19 who has been employed in the same school district for five
20 successive years or less. In the case of any probationary
21 teacher who has been employed in any other school system as a
22 teacher for two or more years, the board of education shall waive
23 one year of his probationary period;

24 (6) "School district", every school district in this state,

1 except metropolitan school district as defined in section
2 162.571, RSMo;

3 (7) "Teacher", any employee of a school district, except a
4 metropolitan school district, regularly required to be certified
5 under laws relating to the certification of teachers, except
6 superintendents and assistant superintendents but including
7 certified teachers who teach at the prekindergarten level in a
8 nonmetropolitan public school.

9 168.110. The board of education of a school district may
10 modify an indefinite contract annually on or before the fifteenth
11 day of May in the following particulars:

12 (1) Determination of the date of beginning and length of
13 the next school year;

14 (2) Fixing the amount of annual compensation for the
15 following school year as provided by the salary schedule adopted
16 by the board of education applicable to all teachers. Districts
17 may provide a salary that includes salary schedule modifications
18 to retain teachers based upon demonstrated need for teachers
19 certified in shortage areas. Districts may also provide such
20 schedule modifications to retain teachers with qualities,
21 experience, or credentials that are exceptionally well suited to
22 a district's needs for academic improvement. In exchange for
23 such modifications, teachers may be required to teach in the
24 district offering the modification for a period of up to three

1 school years. Districts shall have the decision-making authority
2 on whether to provide such modifications within the limits of
3 this section. The modifications shall be effective at the
4 beginning of the next school year. All teachers affected by the
5 modification shall be furnished written copies of the
6 modifications within thirty days after their adoption by the
7 board of education.

8 168.124. 1. The board of education of a school district
9 may place on leave of absence as many teachers as may be
10 necessary because of a decrease in pupil enrollment, school
11 district reorganization or the financial condition of the school
12 district. In placing teachers on leave, the board of education
13 shall be governed by the following provisions:

14 (1) No permanent teacher shall be placed on leave of
15 absence while probationary teachers are retained in positions for
16 which a permanent teacher is qualified;

17 (2) Permanent teachers shall be retained on the basis of
18 performance-based evaluations and seniority (however, seniority
19 shall not be controlling) within the field of specialization;

20 (3) Permanent teachers shall be reinstated to the positions
21 from which they have been given leaves of absence, or if not
22 available, to positions requiring like training and experience,
23 or to other positions in the school system for which they are
24 qualified by training and experience;

1 (4) No appointment of new teachers shall be made while
2 there are available teachers on unrequested leave of absence who
3 are properly qualified to fill such vacancies;

4 (5) A teacher placed on leave of absence may engage in
5 teaching or another occupation during the period of such leave;

6 (6) The leave of absence shall not impair the tenure of a
7 teacher;

8 (7) The leave of absence shall continue for a period of not
9 more than three years unless extended by the board.

10 2. Should a board of education choose to utilize the
11 mechanism for reducing teacher forces as provided in subsection 1
12 of this section in an attempt to manage adverse financial
13 conditions caused at least partially by a withholding of, or a
14 decrease or less than expected increase in, education
15 appropriations, then the district additionally shall follow the
16 provisions of subsection 3 of this section.

17 3. If a school district has an unrestricted combined ending
18 fund balance of more than ten percent of current expenditures in
19 its teachers' and incidental funds, and in the subsequent fiscal
20 year such district, because of state appropriations, places a
21 contracted teacher on leave of absence after forty days
22 subsequent to the governor signing the elementary and secondary
23 education appropriation bill, the district shall pay the affected
24 teacher the greater of his or her salary for any days worked

1 under the contract, or a sum equal to three thousand dollars.

2 168.126. 1. A board of education at a regular or special
3 meeting may contract with and employ by a majority vote legally
4 qualified probationary teachers for the school district. The
5 contract shall be made by order of the board; shall specify the
6 number of months school is to be taught and the wages per month
7 to be paid, including hiring incentives or salary schedule
8 modifications pursuant to subsection 2 of this section; shall be
9 signed by the probationary teacher and the president of the
10 board, or a facsimile signature of the president may be affixed
11 at his discretion; and the contract shall be attested by the
12 secretary of the board by signature or facsimile. The board
13 shall not employ one of its members as a teacher; nor shall any
14 person be employed as a teacher who is related within the fourth
15 degree to any board member, either by consanguinity or affinity,
16 where the vote of the board member is necessary to the selection
17 of the person.

18 2. Districts may provide a salary that includes hiring
19 incentives or salary schedule modifications to attract teachers
20 based upon demonstrated need for teachers certified in shortage
21 areas. Districts may also provide such incentives or
22 modifications to attract teachers with qualities, experience, or
23 credentials that are exceptionally well-suited to a district's
24 needs for academic improvement. In exchange for such incentives

1 or modifications, teachers may be required to teach in the
2 district offering the incentive or modification for a period of
3 up to three school years. Districts shall have the decision-
4 making authority on whether to provide such incentives and
5 modifications within the limits of this section.

6 3. If in the opinion of the board of education any
7 probationary teacher has been doing unsatisfactory work, the
8 board of education, through its authorized administrative
9 representative, shall provide the teacher with a written
10 statement definitely setting forth his alleged incompetency and
11 specifying the nature thereof, in order to furnish the teacher an
12 opportunity to correct his fault and overcome his incompetency.
13 If improvement satisfactory to the board of education has not
14 been made within ninety days of the receipt of the notification,
15 the board of education may terminate the employment of the
16 probationary teacher immediately or at the end of the school
17 year. Any motion to terminate the employment of a probationary
18 teacher shall include only one person and must be approved by a
19 majority of the members of the board of education. A tie vote
20 thereon constitutes termination. On or before the fifteenth day
21 of April in each school year, the board of education shall notify
22 in writing a probationary teacher who will not be retained by the
23 school district of the termination of his employment. Upon
24 request, the notice shall contain a concise statement of the

1 reason or reasons the employment of the probationary teacher is
2 being terminated. If the reason for the termination is due to a
3 decrease in pupil enrollment, school district reorganization, or
4 the financial condition of the school district, then the district
5 shall in all cases issue notice to the teacher expressly
6 declaring such as the reason for such termination. Nothing
7 contained in this section shall give rise to a cause of action
8 not currently cognizant at law by a probationary teacher for any
9 reason given in said writing so long as the board issues the
10 letter in good faith without malice, but an action for actual
11 damages may be maintained by any person for the deprivation of a
12 right conferred by this act.

13 [3.] 4. Any probationary teacher who is not notified of the
14 termination of his employment shall be deemed to have been
15 appointed for the next school year, under the terms of the
16 contract for the preceding year. A probationary teacher who is
17 informed of reemployment by written notice shall be tendered a
18 contract on or before the fifteenth day of May, and shall within
19 fifteen days thereafter present to the employing board of
20 education a written acceptance or rejection of the employment
21 tendered, and failure of such teachers to present the acceptance
22 within such time constitutes a rejection of the board's offer. A
23 contract between a probationary teacher and a board of education
24 may be terminated or modified at any time by the mutual consent

1 of the parties thereto.

2 168.303. The state board of education shall adopt rules to
3 facilitate job-sharing positions for classroom teachers, as the
4 term "job-sharing" is defined in this section. These rules shall
5 provide that a classroom teacher in a job-sharing position shall
6 receive paid legal holidays, annual vacation leave, sick leave,
7 and personal leave on a pro rata basis. "Job-sharing position"
8 shall mean any position:

9 (1) Shared with one other employee;

10 (2) Requiring employment of at least ~~[seventeen]~~ fifteen
11 hours per week but not more than twenty hours per week on a
12 regular basis; and

13 (3) Requiring at least seventy percent of all time spent in
14 classroom instruction as determined by the employer;

15 provided that, job-sharing position shall not include
16 instructional support or school services positions including, but
17 not limited to, guidance counselor, media coordinator,
18 psychologist, social worker, audiologist, speech and language
19 pathologist, and nursing positions.

20 168.310. 1. By June 30, 2005, each local board of
21 education shall create and implement a salary index that directly
22 links all administrative salaries of the district with the
23 teacher salaries of the district. The index shall formulate a

1 multiplier which, when multiplied by the district's salary
2 schedule amount for a beginning teacher with a bachelor degree,
3 shall produce a product equal to the maximum salary an
4 administrator may receive in that district. The index may be
5 adjusted downward at any time by the board, but the board may
6 only adjust the index upward in years when the number of teachers
7 employed has not decreased and when the district's salary
8 schedule amount for a beginning teacher with a bachelor degree is
9 increased.

10 2. No increase in compensation for retaining administrative
11 staff shall occur in any year when the district's certified staff
12 salary does not increase or in any year where the number of
13 certified staff in the district is reduced because of financial
14 conditions. For purposes of this section only, the term
15 "compensation" shall include all salary, bonus pay, travel
16 expenses, or any other benefits that are not healthcare or health
17 insurance related.

18 3. No increase in compensation for returning administrators
19 shall occur in years when returning teachers' salaries do not
20 increase.

21 4. Each local board of education shall include in its
22 school accountability report card, as required in section
23 160.522, RSMo, the details of all superintendent and
24 administrative compensation packages.

1 168.500. 1. For the purpose of providing career pay, which
2 shall be a salary supplement, for public school teachers, which
3 for the purpose of sections 168.500 to 168.515 shall include
4 classroom teachers, librarians, guidance counselors and
5 certificated teachers who hold positions as school psychological
6 examiners, parents as teachers educators, school psychologists,
7 special education diagnosticians and speech pathologists, and are
8 on the district salary schedule, there is hereby created and
9 established a career advancement program which shall be known as
10 the "Missouri Career Development and Teacher Excellence Plan",
11 hereinafter known as the "career plan or program". Participation
12 by local school districts in the career advancement program
13 established under this section shall be voluntary. The career
14 advancement program is a matching fund program of variable match
15 rates. The general assembly shall make an annual appropriation
16 to the excellence in education fund established under section
17 160.268, RSMo, for the purpose of providing the state's portion
18 for the career advancement program. The "Career Ladder Forward
19 Funding Fund" is hereby established in the state treasury.
20 Beginning with fiscal year 1998 and until the career ladder
21 forward funding fund is terminated pursuant to this subsection,
22 the general assembly shall appropriate funds to the career ladder
23 forward funding fund. Notwithstanding the provisions of section
24 33.080, RSMo, to the contrary, moneys in the fund shall not be

1 transferred to the credit of the general revenue fund at the end
2 of the biennium. All interest or other gain received from
3 investment of moneys in the fund shall be credited to the fund.
4 All funds deposited in the fund shall be maintained in the fund
5 until such time as the balance in the fund at the end of the
6 fiscal year is equal to or greater than the appropriation for the
7 career ladder program for the following year, at which time all
8 such revenues shall be used to fund, in advance, the career
9 ladder program for such following year and the career ladder
10 forwarding funding fund shall thereafter be terminated.

11 2. The department of elementary and secondary education, at
12 the direction of the commissioner of education, shall study and
13 develop model career plans which shall be made available to the
14 local school districts. These state model career plans shall:

15 (1) Contain three steps or stages of career advancement;

16 (2) Contain a detailed procedure for the admission of
17 teachers to the career program;

18 (3) Contain specific criteria for career step
19 qualifications and attainment. These criteria shall clearly
20 describe the minimum number of professional responsibilities
21 required of the teacher at each stage of the plan and shall
22 include reference to classroom performance evaluations performed
23 pursuant to section 168.128;

24 (4) Be consistent with the teacher certification process

1 recommended by the Missouri advisory council of certification for
2 educators and adopted by the department of elementary and
3 secondary education;

4 (5) Provide that public school teachers in Missouri shall
5 become eligible to apply for admission to the career plans
6 adopted under sections 168.500 to 168.515 after five years of
7 public school teaching in Missouri. All teachers seeking
8 admission to any career plan shall, as a minimum, meet the
9 requirements necessary to obtain the first renewable professional
10 certificate as provided in section 168.021;

11 (6) Provide procedures for appealing decisions made under
12 career plans established under sections 168.500 to 168.515.

13 3. The commissioner of education shall cause the department
14 of elementary and secondary education to establish guidelines for
15 all career plans established under this section, and criteria
16 that must be met by any school district which seeks funding for
17 its career plan.

18 4. A participating local school district may have the
19 option of implementing a career plan developed by the department
20 of elementary and secondary education or a local plan which has
21 been developed with advice from teachers employed by the district
22 and which has met with the approval of the department of
23 elementary and secondary education. In approving local career
24 plans, the department of elementary and secondary education may

1 consider provisions in the plan of the local district for
2 recognition of teacher mobility from one district to another
3 within this state.

4 5. The career plans of local school districts shall not
5 discriminate on the basis of race, sex, religion, national
6 origin, color, creed, or age. Participation in the career plan
7 of a local school district is optional, and any teacher who
8 declines to participate shall not be penalized in any way.

9 6. In order to receive funds under this section, a school
10 district which is not subject to section 162.920, RSMo, must have
11 a total levy for operating purposes which is in excess of the
12 amount allowed in section 11(b) of article X of the Missouri
13 Constitution; and a school district which is subject to section
14 162.920, RSMo, must have a total levy for operating purposes
15 which is equal to or in excess of twenty-five cents on each
16 hundred dollars of assessed valuation.

17 7. The commissioner of education shall cause the department
18 of elementary and secondary education to regard a speech
19 pathologist who holds both a valid certificate of license to
20 teach and a certificate of clinical competence to have fulfilled
21 the standards required to be placed on stage III of the career
22 program, provided that such speech pathologist has been employed
23 by a public school in Missouri for at least five years and is
24 approved for placement at such stage III by the local school

1 district.

2 168.515. 1. Each teacher selected to participate in a
3 career plan established under sections 168.500 to 168.515, who
4 meets the requirements of such plan, shall receive a salary
5 supplement, the state's share of which shall be distributed under
6 section 163.031, RSMo, equal to the following amounts [multiplied
7 by the proration factor] applied to the career ladder entitlement
8 of line 15 of subsection 6 of section 163.031, RSMo:

9 (1) Career stage I teachers may receive up to an additional
10 one thousand five hundred dollars per school year;

11 (2) Career stage II teachers may receive up to an additional
12 three thousand dollars per school year;

13 (3) Career stage III teachers may receive up to an
14 additional five thousand dollars per school year.

15 All teachers within each stage within the same school district
16 shall receive equal salary supplements.

17 2. The state shall make payments pursuant to section
18 163.031, RSMo, to the local school district for the purpose of
19 reimbursing the local school district for the payment of any
20 salary supplements provided for in this section, subject to the
21 availability of funds as appropriated each year and distributed
22 on a variable match formula which shall be based on equalized
23 assessed valuation of the district for the second preceding

1 school year. A district's equalized assessed valuation shall be
2 multiplied by the district income factor defined in section
3 163.011, RSMo, and shall be known as the adjusted equalized
4 assessed valuation.

5 3. In distributing these matching funds, school districts
6 shall be ranked by the adjusted equalized assessed valuation for
7 the second preceding school year per eligible pupil from the
8 highest to the lowest and divided into three groups. Group one
9 shall contain the highest twenty-five percent of all public
10 school districts, groups two and three combined shall contain the
11 remaining seventy-five percent of all public school districts.
12 The districts in groups two and three shall be rank ordered from
13 largest to smallest based on enrollment as of the last Wednesday
14 in September during the second preceding school year, group two
15 shall contain twenty-five percent of all public school districts
16 that are larger on the enrollment based rank ordered list and
17 group three shall contain the remaining fifty percent of all
18 public school districts. Pursuant to subsection 4 of this
19 section, districts in group one shall receive forty percent state
20 funding and shall contribute sixty percent local funding, group
21 two shall receive fifty percent state funding and shall
22 contribute fifty percent local funding and group three shall
23 receive sixty percent state funding and shall contribute forty
24 percent local funding.

1 4. The incremental groups are as follows:

	Percentage	Percentage	Percentage
Group	of Districts	of State Funding	of Local Funding
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

7 5. Beginning in the 1996-97 school year, any school
8 district in any group which participated in the career ladder
9 program in 1995-96 and paid less than the local funding
10 percentage required by subsection 4 of this section shall
11 increase its local share of career ladder costs by five
12 percentage points from the preceding year until the district pays
13 the percentage share of cost required by subsection 4 of this
14 section, and in no case shall the local funding percentage be
15 increased by a greater amount for any year. For any district,
16 the state payment shall not exceed the local payment times the
17 state percentage share divided by the local percentage share.
18 Any district not participating in the 1995-96 school year or any
19 district which interrupts its career ladder program for any
20 subsequent year shall enter the program on the cost-sharing basis
21 required by subsection 4 of this section.

22 6. Not less than every fourth year, beginning with calendar
23 year 1988, the general assembly, through the joint committee
24 established under section 160.254, RSMo, shall review the amount

1 of the career pay provided for in this section to determine if
2 any increases are necessary to reflect the increases in the cost
3 of living which have occurred since the salary supplements were
4 last reviewed or set.

5 7. To participate in the salary supplement program
6 established under this section, a school district may submit to
7 the voters of the district a proposition to increase taxes for
8 this purpose. If a school district's current tax rate ceiling is
9 at or above the rate from which an increase would require a
10 two-thirds majority, the school board may submit to the voters of
11 the district a proposition to reduce or eliminate the amount of
12 the levy reduction resulting from section 164.013, RSMo. If a
13 majority of the voters voting thereon vote in favor of the
14 proposition, the board may certify that seventy-five percent of
15 the revenue generated from this source shall be used to implement
16 the salary supplement program established under this section.

17 8. In no case shall a school district use state funds
18 received under this section nor local revenue generated from a
19 tax established under subsection 7 of this section to comply with
20 the minimum salary requirements for teachers established pursuant
21 to section 163.172, RSMo.

22 9. Beginning in the 1996-97 school year, for any teacher
23 who participated in the career program in the 1995-96 school
24 year, continues to participate in the program thereafter, and

1 remains qualified to receive career pay pursuant to section
2 168.510, the state's share of the teacher's salary supplement
3 shall continue to be the percentage paid by the state in the
4 1995-96 school year, notwithstanding any provisions of subsection
5 4 of this section to the contrary, and the state shall continue
6 to pay such percentage of the teacher's salary supplement until
7 any of the following occurs:

8 (1) The teacher ceases his or her participation in the
9 program; or

10 (2) The teacher suspends his or her participation in the
11 program for any school year after the 1995-96 school year. If
12 the teacher later resumes participation in the program, the state
13 funding shall be subject to the provisions of subsection 4 of
14 this section.

15 169.712. 1. Notwithstanding any provision of law to the
16 contrary, any person duly certificated under the law governing
17 the certification of teachers in Missouri who, after August 28,
18 1997, is first employed in a position which would otherwise
19 qualify the person for membership in the nonteacher school
20 employee retirement system pursuant to the provisions of sections
21 169.600 to 169.710 shall be a member of the public school
22 retirement system pursuant to the provisions of sections 169.010
23 to 169.141, and shall receive creditable service on a pro rata
24 basis in that system for subsequent certificated services which

1 would otherwise have been creditable in the nonteacher school
2 employee retirement system. Any such person shall have the
3 option of being a member of the nonteacher school employee
4 retirement system. The option election must be filed with the
5 board of trustees of the public school retirement system within
6 ninety days of first such employment following August 28, 1997.

7 2. Notwithstanding any provision of law to the contrary,
8 any person duly certificated under the law governing the
9 certification of teachers in Missouri who, on or after August 28,
10 2003, is employed by a public school, as defined in section
11 169.010, for at least [~~seventeen~~] fifteen but less than twenty
12 hours per week on a regular basis shall be a member of the public
13 school retirement system pursuant to the provisions of sections
14 169.010 to 169.141, and shall receive creditable service on a pro
15 rata basis in that system. Any such person shall have the option
16 of being a member of the nonteacher school employee retirement
17 system. The option election must be filed with the board of
18 trustees of the public school retirement system within ninety
19 days of first such employment or within ninety days of August 28,
20 2003, whichever later occurs.

21 3. Any person who is a member of the public school
22 retirement system or the nonteacher school employee retirement
23 system pursuant to subsection 2 of this section may purchase
24 credit in such system for service after August 28, 1991, that

1 would have qualified such person for membership in either
2 retirement system pursuant to subsection 2 of this section had
3 such subsection been in effect prior to August 28, 2003; provided
4 that such purchase of credit in the public school retirement
5 system shall be subject to the provisions of section 169.056 and
6 such purchase of credit in the nonteacher school employee
7 retirement system shall be subject to the provisions of section
8 169.655.

9 171.053. 1. Any school district which allows an excused
10 absence for athletics or any other extracurricular school
11 activity shall allow, pursuant to its written policy and with the
12 approval of the responsible sponsoring school employee, any
13 student enrolled in the district to use such regularly scheduled
14 instructional time as is reasonably necessary for such student to
15 participate in an officially sanctioned activity of such programs
16 as, but not limited to, the Future Farmers of America
17 Organization (FFA organization), Family, Career, and Community
18 Leaders of America (FCCLA), 4-H, and organized competitions at
19 the state fair; provided, if the program is not a part of the
20 Missouri state fair or 4-H, that such program has a local chapter
21 which is officially recognized by the student's school.

22 2. For the purpose of distributing state school aid
23 pursuant to section 163.031, RSMo, a student who is participating
24 in an officially sanctioned activity of any such program, as

1 provided pursuant to subsection 1 of this section, shall be
2 considered to be attending regularly scheduled instruction in the
3 district and such hours of participation occurring during the
4 regular school day shall be included in the district's
5 calculation of average daily attendance, as defined in section
6 163.011, RSMo.

7 209.321. 1. No person shall represent himself or herself
8 as an interpreter or engage in the practice of interpreting as
9 defined in section 209.285 in the state of Missouri unless such
10 person is licensed as required by the provisions of sections
11 209.319 to 209.339.

12 2. A person registered, certified or licensed by this
13 state, another state or any recognized national certification
14 agent, acceptable to the committee that allows that person to
15 practice any other occupation or profession in this state, is not
16 considered to be interpreting if he or she is in performance of
17 the occupation or profession for which he or she is registered,
18 certified or licensed. The professions referred to in this
19 subsection include, but are not limited to, physicians,
20 psychologists, nurses, certified public accountants, architects
21 and attorneys.

22 3. A licensed interpreter shall limit his or her practice
23 to demonstrated areas of competence as documented by relevant
24 professional education, training, experience and certification.

1 An interpreter not trained in an area shall not practice in that
2 area without obtaining additional relevant professional
3 education, training and experience through an acceptable program
4 as defined by rule by the Missouri commission for the deaf and
5 hard of hearing.

6 4. A person is not considered to be interpreting pursuant
7 to the provisions of this section if, in a casual setting and as
8 defined by rule, a person is acting as an interpreter
9 gratuitously or is engaged in interpreting incidental to
10 traveling.

11 5. A person is not considered to be interpreting pursuant
12 to the provisions of this section if a person is engaged as a
13 telecommunications operator providing deaf relay service or
14 operator services for the deaf.

15 6. A person is not considered to be interpreting under the
16 provisions of this section if the person is currently enrolled in
17 an interpreter training program which has been accredited by a
18 certifying agency and approved by the committee. The training
19 program shall offer a degree in interpreting from an accredited
20 institution of higher education. Persons exempted under this
21 provision shall engage only in activities and services that
22 constitute part of a supervised course of study and shall clearly
23 designate themselves by a title of the student, practicum
24 student, student interpreter, trainee, or intern.

1 7. A person holding a current certification of license from
2 another state or recognized national certification system deemed
3 acceptable by the committee is not considered to be interpreting
4 as defined in this chapter when temporarily present in the state
5 for the purpose of providing interpreting services for a
6 convention, conference, meeting, professional group, or
7 educational field trip.

8 8. A person who is an employee or independent contractor of
9 a Missouri public school district and is providing interpreting
10 as part of special education, related services, or supplementary
11 aids and services for students with disabilities, subject to the
12 requirements of state and federal law, shall be exempt from the
13 provisions of sections 209.321 to 209.339. The provisions of
14 this subsection shall expire, and be of no effect, on August 28,
15 2006.

16 9. A person who is providing interpreting in a hospital, as
17 defined in section 197.020, RSMo, subject to the requirements of
18 state and federal law, shall be exempt from the provisions of
19 sections 209.321 to 209.339. The provisions of this subsection
20 shall expire, and be of no effect, on August 28, 2006.

21 302.272. 1. No person shall operate any school bus owned
22 by or under contract with a public school or the state board of
23 education unless such driver has qualified for a school bus
24 permit under this section and complied with the pertinent rules

1 and regulations of the department of revenue. A school bus
2 permit shall be issued to any applicant who meets the following
3 qualifications:

4 (1) The applicant has a valid state license issued under
5 this chapter or has a license valid in any other state;

6 (2) The applicant is at least twenty-one years of age;

7 (3) The applicant has passed a medical examination,
8 including vision and hearing tests, as prescribed by the director
9 of revenue and, if the applicant is at least seventy years of
10 age, the applicant shall pass the medical examination annually to
11 maintain or renew the permit; and

12 (4) The applicant has successfully passed an examination
13 for the operation of a school bus as prescribed by the director
14 of revenue. The examination shall include, but need not be
15 limited to, a written skills examination of applicable laws,
16 rules and procedures, and a driving test in the type of vehicle
17 to be operated. The test shall be completed in the appropriate
18 class of vehicle to be driven. For purposes of this section
19 classes of school buses shall comply with the Commercial Motor
20 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

21 2. Except as otherwise provided in this section, a school
22 bus permit shall be renewed every three years and shall require
23 the applicant to provide a medical examination as specified in
24 subdivision (3) of subsection 1 of this section and to

1 successfully pass a written skills examination as prescribed by
2 the director of revenue in consultation with the department of
3 elementary and secondary education. If the applicant is at least
4 seventy years of age, the school bus permit shall be renewed
5 annually, and the applicant shall successfully pass the
6 examination prescribed in subdivision (4) of subsection 1 of this
7 section prior to receiving the renewed permit, provided that the
8 background check, as contemplated by subsections 5 and 6 of this
9 section, shall continue to be conducted on a renewing applicant's
10 previously established three-year renewal schedule. The director
11 may waive the written skills examination on renewal of a school
12 bus permit upon verification of the applicant's successful
13 completion within the preceding twelve months of a training
14 program which has been approved by the director in consultation
15 with the department of elementary and secondary education and
16 which is at least eight hours in duration with special
17 instruction in school bus driving.

18 3. The fee for a new or renewed school bus permit shall be
19 three dollars.

20 4. Upon the applicant's completion of the requirements of
21 subsections 1, 2 and 3 of this section, the director of revenue
22 shall issue a temporary school bus permit to the applicant until
23 such time as a permanent school bus permit shall be issued
24 following the record clearance as provided in subsection 6 of

1 this section.

2 5. The director of revenue, to the best of the director's
3 knowledge, shall not issue or renew a school bus permit to any
4 applicant:

5 (1) Whose driving record shows that such applicant's
6 privilege to operate a motor vehicle has been suspended, revoked
7 or disqualified or whose driving record shows a history of moving
8 vehicle violations;

9 (2) Who has pled guilty to or been found guilty of any
10 felony or misdemeanor for violation of drug regulations as
11 defined in chapter 195, RSMo; of any felony for an offense
12 against the person as defined by chapter 565, RSMo, or any other
13 offense against the person involving the endangerment of a child
14 as prescribed by law; of any misdemeanor or felony for a sexual
15 offense as defined by chapter 566, RSMo; of any misdemeanor or
16 felony for prostitution as defined by chapter 567, RSMo; of any
17 misdemeanor or felony for an offense against the family as
18 defined in chapter 568, RSMo; of any felony or misdemeanor for a
19 weapons offense as defined by chapter 571, RSMo; of any
20 misdemeanor or felony for pornography or related offense as
21 defined by chapter 573, RSMo; or of any similar crime in any
22 federal, state, municipal or other court of similar jurisdiction
23 of which the director has knowledge;

24 (3) Who has pled guilty to or been found guilty of any

1 felony involving robbery, arson, burglary or a related offense as
2 defined by chapter 569, RSMo; or any similar crime in any
3 federal, state, municipal or other court of similar jurisdiction
4 within the preceding ten years of which the director has
5 knowledge.

6 6. The department of social services or the Missouri
7 highway patrol, whichever has access to applicable records, shall
8 provide a record of clearance or denial of clearance for any
9 applicant for a school bus permit for the convictions specified
10 in subdivisions (2) and (3) of subsection 5 of this section. The
11 Missouri highway patrol in providing the record of clearance or
12 denial of clearance for any such applicant is authorized to
13 obtain from the Federal Bureau of Investigation any information
14 which might aid the Missouri highway patrol in providing such
15 record of clearance or denial of clearance. The department of
16 social services or the Missouri highway patrol shall provide the
17 record of clearance or denial of clearance within thirty days of
18 the date requested, relying on information available at that
19 time, except that the department of social services or the
20 Missouri highway patrol shall provide any information
21 subsequently discovered to the department of revenue.

22 Section 1. The department of elementary and secondary
23 education shall not reimburse a school district for more than one
24 A+ program coordinator per one thousand two hundred fifty

1 students; however a school with up to one thousand five hundred
2 students shall be reimbursed for only one A+ program coordinator.

3 Section 2. Professional development requirements pursuant
4 to section 168.021, RSMo, for vocational-technical certification
5 or successor certification shall include contact hours relating
6 to the specific vocational-technical subject area for which the
7 educator seeks certification.

8 Section B. Because immediate action is necessary to aid
9 school finances the repeal and reenactment of sections 163.031
10 and 168.515 of section A of this act is deemed necessary for the
11 immediate preservation of the public health, welfare, peace, and
12 safety, and is hereby declared to be an emergency act within the
13 meaning of the constitution, and the repeal and reenactment of
14 sections 163.031 and 168.515 of section A of this act shall be in
15 full force and effect on July 1, 2004, or upon its passage and
16 approval, whichever later occurs.